

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

CATERPILLAR FINANCIAL
SERVICES CORPORATION

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-170

JEFFERY SCOTT MCDANIEL

DEFENDANT

JUDGMENT GRANTING CIVIL CONTEMPT

On March 14, 2019, this Court entered an Order and Default Judgment [16], against the Defendant in this case, Jeffery Scott McDaniel. The Order and Default Judgment awarded the Plaintiff, Caterpillar Financial Services, \$220,393.49 and specifically ordered McDaniel to return to Caterpillar four specified pieces of farming equipment within seven (7) days from the entry of the Order and Default Judgment. On January 7, 2020, the Court held a hearing on Caterpillar's Motion for Contempt Order and for Issuance of Bench Warrant [18].

At the hearing, the Plaintiff presented proof that McDaniel returned only two of the four specified pieces of farming equipment to Caterpillar. Specifically, a 525C Skidder and a Dozer, have not been returned to Caterpillar by McDaniel, despite the Court's Order [16] directing that they be returned within seven days of March 14, 2019.

After hearing the relevant proof and argument, the Court found that McDaniel possessed the ability to comply with the Order and Default Judgment [16] but failed to do so. The Court then issued an oral order holding McDaniel in civil contempt. The Court's oral ruling was based upon its finding that an Order, specifically the Order and Default Judgment [16], was in effect at the time of the hearing and that the Order had specifically directed McDaniel to return the specified equipment within seven (7) days of March 14, 2019. In order to compel his compliance with the Court's previous Orders and Judgment, the Court ordered McDaniel be remanded to the custody

of the U.S. Marshals to be incarcerated for a period of six months or until the two outstanding pieces of equipment, the 525C Skidder and the Dozer, are returned to Caterpillar.

In accordance with the Court's oral order, Caterpillar's Motion [18] is GRANTED and the judgment of the Court is as follows:

McDaniel is held in civil contempt for failure to comply with the Order and Default Judgment [16] entered by this Court on March 14, 2019.

McDaniel shall be incarcerated for a period of six months commencing on January 7, 2020 or until such time as he fully complies with the Court's Order and Default Judgment [16] and returns the subject equipment.

McDaniel is ordered to advise Caterpillar's counsel of the location of the equipment and the names of persons and phone numbers of persons who might have information about the location of the two outstanding pieces of equipment.

McDaniel shall be provided one hour of phone access each day during his period of incarceration to arrange for the subject equipment to be returned to Caterpillar.

Commencing on January 21, 2020, and continuing during the period of McDaniel's incarceration, counsel for Caterpillar shall provide the Court with a written explanation of any and all updates that Caterpillar is aware of as to McDaniel's investigation and any progress on the return of the subject equipment every fourteen days. Counsel for Caterpillar shall immediately provide the Court with a written confirmation on the docket when the two pieces of outstanding pieces of equipment are returned to its possession, after which the Court will order that McDaniel be released from custody.

By January 21, 2020, counsel for Caterpillar shall provide the Court with documentation of all expenses and attorney's fees which have been incurred by Caterpillar in connection with the enforcement of this Court's Order and Default Judgment [16].

The purpose of this Judgment is remedial and compensatory only and is imposed solely to enforce the terms of the Order and Default Judgment [16] insofar as the Order commanded McDaniel to return the subject equipment to Caterpillar. McDaniel's incarceration is wholly contingent upon his failure to return the two outstanding pieces of equipment, and he shall be released from custody after the equipment is returned.

SO ORDERED, this the 9th day of January, 2020.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE